

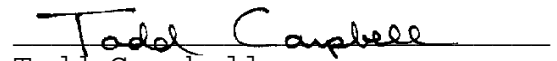
release from custody, he must pursue his claims in an action for federal habeas corpus relief. Preiser v. Rodriguez, 411 U.S. 475 (1973).

Given the liberal standard of review for *pro se* pleadings, this Court could convert plaintiff's 42 U.S.C. § 1983 complaint to a habeas corpus petition. See Haines v. Kerner, 404 U.S. 519 (1972). However, a great deal of information is required for a habeas corpus petition that is not supplied in a 42 U.S.C. § 1983 complaint. Rules Governing § 2254 Cases. In addition, a habeas corpus petitioner is required to exhaust state court remedies before seeking relief in the federal courts. Rose v. Lundy, 455 U.S. 509 (1982). In this regard, there has been no showing that the plaintiff has ever presented his claim to the state courts for review prior to the filing of this complaint. Therefore, it would not be appropriate for the Court to treat the instant complaint as a habeas corpus petition at this time.

After careful review of the complaint, the Court finds that the plaintiff has no arguable basis in law or fact which would entitle him to § 1983 relief. The Court further finds that the complaint lacks sufficient information to justify its conversion to a habeas corpus petition. Consequently, this action is frivolous within the meaning of 28 U.S.C. § 1915(e)(2). Neitzke v. Williams, 109 S.Ct. 1827, 1832-1833 (1989).

A district court possesses the authority to dismiss frivolous actions. Brooks v. Seiter, 779 F.2d 1177, 1179 (6th Cir.1985). Accordingly, this action shall be dismissed without prejudice to the plaintiff's right to proceed with his claim via habeas corpus after exhausting all available state court remedies.

An appropriate order will be entered.



Todd Campbell
United States District Judge